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8/1/08

In re Application of:
SHANKS, STEVEN C. et al
Serial No.: 10/612,504
Filed: Jul. 1, 2003
Docket: 2065-038
Title: MULTI-PROBE LASER DEVICE

DECISION ON PETITION TO
ISSUE CLEAR OFFICE
ACTION
37 CFR 1.181

This is a decision on the petition filed Nov. 30, 2007 to request the examiner to issue a corrected examiner's answer in response to the applicant's appeal brief filed on Mar. 5, 2007. The petition is being considered pursuant to 37 CFR 1.181 and no fee is required for the petition.


The petition is **GRANTED**.

In her Nov. 30, 2007 petition, petitioner requests the examiner to issue a corrected examiner's answer responsive to the Mar. 5, 2007 appeal brief because in the previous examiner's answer of Nov. 1, 2007 did not fully address the withdrawal of obviousness rejections based on the combination of Lai and Gerdes patents with respect to claims 23-29. Due to the fact the Notification of Non-compliant brief was withdrawn, petitioner request that the examiner answer should have been directed to the original appeal brief of Mar. 5, 2007.

After consulting with the examiner, it was agreed that a corrected examiner answer responsive to the Mar. 5, 2007 appeal brief must be issued in order to meaningfully advance the prosecution. The previous examiner's answer of Nov. 1, 2007 is hereby withdrawn. The examiner has been requested to issue a new examiner answer in due course.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3739 for preparation of a corrected examiner's answer. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED


Frederick R. Schmidt, Director
Technology Center 3700